

REMARKS

The office action of July 20, 2004 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 24 through 40 remain in this case.

Restriction Requirement

The Examiner has made a restriction requirement and has identified two groups as follows:

Group I - recited in claims 24-34 and 39-40, drawn to a processing module (apparatus) for generating an image using an algorithm for determining the level of energy emanating from a source located within a mass, classified in Class 702, subclass 16.

Group II - recited in claims 35-38, drawn to a method of implementing an algorithm in a processing module for creating a gate-level netlist to be inserted in a circuitry, classified in Class 716, subclass 16.

Applicant elects Group I, defined by claims 24-34 and 39-40 and drawn to a processing module (apparatus) for generating an image using an algorithm for determining the level of energy emanating from a source located within a mass, classified in Class 702, subclass 16. This requirement for restriction and election as best understood are respectfully traversed.

The MPEP states the following with regard to stating a prima facie case of restriction between patentably distinct inventions:

“There are two criteria for a proper requirement for restriction between patentably distinct inventions:

1) The inventions must be independent (see MPEP 802.01, 806.04, 808.01) **or distinct as claimed** (see MPEP 806.05-806.05(i)); and

2) There must be a **serious burden on the examiner** if restriction is not required (see MPEP 803.02, 806.04(a) - 806.04(j), 808.01(a) and 808.02).

GUIDELINES

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the requirement in most cases. **Where plural inventions are capable of being viewed as related in two ways, both applicable criteria for distinctness must be demonstrated to support a restriction requirement...**For purposes of the initial requirement a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP 808.02." (MPEP 803)

All of the claims recite related inventions in that each recites a processing module for use with an algorithm. Distinct inventions do not create a burden on the Examiner that is sufficient to justify a restriction requirement without a showing of the need for separate searches.

All of the inventions would be searched within the same classes and subclasses. Even if some of the inventions would be classified separately, a thorough search of the prior art for any one of the inventions would include the classes and subclasses of the other inventions. Therefore, Applicant respectfully requests that the restriction requirement be withdrawn.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

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